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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 AMERICAN FEDERATION OF
 16 GOVERNMENT EMPLOYEES, AFL-CIO;
 17 AMERICAN FEDERATION OF STATE
 18 COUNTY AND MUNICIPAL
 19 EMPLOYEES, AFL-CIO; SERVICE
 20 EMPLOYEES INTERNATIONAL UNION,
 21 AFL-CIO; AFGE LOCAL 1122; AFGE
 22 LOCAL 1236; AFGE LOCAL 2110; AFGE
 23 LOCAL 3172; SEIU LOCAL 1000;
 24 ALLIANCE FOR RETIRED AMERICANS;
 25 AMERICAN GEOPHYSICAL UNION;
 26 AMERICAN PUBLIC HEALTH
 27 ASSOCIATION; CENTER FOR
 28 TAXPAYER RIGHTS; COALITION TO
 PROTECT AMERICA'S NATIONAL
 PARKS; COMMON DEFENSE CIVIC
 ENGAGEMENT; MAIN STREET
 ALLIANCE; NATURAL RESOURCES
 DEFENSE COUNCIL, INC.; NORTHEAST
 ORGANIC FARMING ASSOCIATION,
 INC.; VOTEVETS ACTION FUND INC.;
 WESTERN WATERSHEDS PROJECT;
 COUNTY OF SANTA CLARA,
 CALIFORNIA; CITY OF CHICAGO,
 ILLINOIS; MARTIN LUTHER KING, JR.
 COUNTY, WASHINGTON; HARRIS
 COUNTY, TEXAS; CITY OF BALTIMORE,

Case No. 3:25-cv-03698-SI

**UNOPPOSED ADMINISTRATIVE
MOTION FOR LEAVE TO FILE BRIEF
AMICI CURIAE OF FORMER
GOVERNMENT OFFICIALS AND
ADVISORS; DECLARATION OF
MICHAEL S. KWUN**

1 MARYLAND; and CITY AND COUNTY OF
2 SAN FRANCISCO, CALIFORNIA,

3 Plaintiffs,

4 v.

5 DONALD J. TRUMP, in his official capacity
6 as President of the United States; UNITED
7 STATES OFFICE OF MANAGEMENT
8 AND BUDGET; RUSSELL VOUGHT, in his
9 official capacity as Director of U.S. Office of
10 Management and Budget; UNITED STATES
11 OFFICE OF PERSONNEL
12 MANAGEMENT; CHARLES EZELL, in his
13 official capacity as Acting Director of the U.S.
14 Office of Personnel Management;
15 DEPARTMENT OF GOVERNMENT
16 EFFICIENCY; ELON MUSK, in his official
17 capacity as the actual head of the Department
18 of Government Efficiency; AMY GLEASON,
19 in her official capacity as the titular Acting
20 Administrator of the Department of
21 Government Efficiency; UNITED STATES
22 DEPARTMENT OF AGRICULTURE;
23 BROOKE ROLLINS, in her official capacity
24 as Secretary of the U.S. Department of
25 Agriculture; UNITED STATES
26 DEPARTMENT OF COMMERCE;
27 HOWARD LUTNICK, in his official capacity
28 as Secretary of the U.S. Department of
Commerce; UNITED STATES
DEPARTMENT OF DEFENSE; PETE
HEGSETH, in his official capacity as
Secretary of the U.S. Department of Defense;
UNITED STATES DEPARTMENT OF
ENERGY; CHRIS WRIGHT, in his official
capacity as Secretary of the U.S. Department
of Energy; UNITED STATES
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; ROBERT F.
KENNEDY JR., in his official capacity as
Secretary of the U.S. Department of Health
and Human Services; UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY; KRISTI NOEM, in her official
capacity as Secretary of the U.S. Department
of Homeland Security; UNITED STATES
DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT; SCOTT
TURNER, in his official capacity as Secretary
of the U.S. Department of Housing and Urban
Development; UNITED STATES
DEPARTMENT OF JUSTICE; PAM
BONDI, in her official capacity as Attorney
General of the U.S. Department of Justice;

1 UNITED STATES DEPARTMENT OF THE
2 INTERIOR; DOUG BURGUM, in his official
3 capacity as Secretary of the U.S. Department
4 of the Interior; UNITED STATES
5 DEPARTMENT OF LABOR; LORI
6 CHAVEZ-DEREMER, in her official capacity
7 as Secretary of the U.S. Department of Labor;
8 UNITED STATES DEPARTMENT OF
9 STATE; MARCO RUBIO, in his official
10 capacity as Secretary of the U.S. Department
11 of State; UNITED STATES DEPARTMENT
12 OF TREASURY; SCOTT BESSENT, in his
13 official capacity as Secretary of U.S.
14 Department of Treasury; UNITED STATES
15 DEPARTMENT OF TRANSPORTATION;
16 SEAN DUFFY, in his official capacity as
17 Secretary for the U.S. Department of
18 Transportation; UNITED STATES
19 DEPARTMENT OF VETERANS AFFAIRS;
20 DOUG COLLINS, in his official capacity as
21 Secretary of Veterans Affairs; AMERICORPS
22 (a.k.a. the CORPORATION FOR
23 NATIONAL AND COMMUNITY
24 SERVICE); JENNIFER BASTRESS
25 TAHMASEBI, in her official capacity as
26 Interim Agency Head of AmeriCorps;
27 UNITED STATES ENVIRONMENTAL
ADMINISTRATION; STEPHEN EHIKIAN,
in his official capacity as Acting
Administrator for U.S. General Services
Administration; NATIONAL LABOR
RELATIONS BOARD; MARVIN KAPLAN,
in his official capacity as Chairman of the
National Labor Relations Board; WILLIAM
COWEN, in his official capacity as the Acting
General Counsel of the National Labor
Relations Board; NATIONAL SCIENCE
FOUNDATION; BRIAN STONE, in his
official capacity as Acting Director of the
National Science Foundation; UNITED
STATES SMALL BUSINESS
ADMINISTRATION; KELLY LOEFFLER,
in her official capacity as Administrator of the
U.S. Small Business Administration; UNITED
STATES SOCIAL SECURITY
ADMINISTRATION; and LELAND
DUDEK, in his official capacity as Acting
Commissioner of the U.S. Social Security
Administration,

Defendants.

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**UNOPPOSED ADMINISTRATIVE MOTION
FOR LEAVE TO FILE BRIEF AMICI CURIAE**

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3 Amici are conservatives and include former public officials who were elected as
 4 Republicans or served in Republican administrations. These amici have collectively spent
 5 decades in public service in the federal government and state governments. They share a
 6 commitment to limited government and the rule of law. They write out of concern that the
 7 carefully constructed checks and balances that are built into our Constitution are under threat as a
 8 result of defendants' conduct. Amici respectfully seek leave to file the accompanying brief amici
 9 curiae¹ in support of the plaintiffs' motion for a temporary restraining order.

10 Amici and their backgrounds² are as follows:

- 11 • Donald B. Ayer, Deputy Attorney General in the George H.W. Bush
 12 Administration from 1989 to 1990; Principal Deputy Solicitor General in the
 13 Reagan Administration from 1986 to 1988; United States Attorney for the Eastern
 14 District of California from 1981 to 1986 in the Reagan Administration.
- 15 • Ty Cobb, Special Counsel to the President in the Trump Administration from 2017
 16 to 2018.
- 17 • Barbara Comstock, Representative of the 10th Congressional District of Virginia
 18 from 2015 to 2019 (R).
- 19 • Mickey Edwards, Representative of the 5th Congressional District of Oklahoma
 20 from 1977 to 1993 (R).
- 21 • Philip Lacovara, Counsel to the Special Prosecutor, Watergate Special
 22 Prosecutor's Office in the Nixon Administration from 1973 to 1974.
- 23 • Michael Luttig, Circuit Judge, United States Court of Appeals appointed by
 24 George H.W. Bush from 1991 to 2006; Assistant Attorney General, Office of
 25 Legal Counsel and Counselor to the Attorney General in the Bush Administration
 26 from 1990 to 1991; Assistant Counsel to the President in the Reagan
 27 Administration from 1981 to 1982.
- 28 • Carter Phillips, Assistant to the Solicitor General in the Reagan Administration
 from 1981 to 1984.

25 ¹ No party's counsel authored the brief amici curiae in whole or in part. No party or a party's
 26 counsel contributed money that was intended to fund preparing or submitting the brief. No person
 27 other than amici, their members, or their counsel contributed money that was intended to fund
 preparing or submitting the brief.

28 ² Individual amici are listed in alphabetical order by last name. All former affiliations of the
 individuals are listed for identification purposes only. The individual amici join this brief in their
 individual capacities, and not on behalf of any current or former affiliated agencies or
 organizations.

- 1 • Trevor Potter, Chairman of the Federal Election Commission and Commissioner
2 of the Federal Election Commission from 1991 to 1995; General Counsel to John
McCain's Presidential Campaign from 2000 to 2008.
- 3 • Alan Charles Raul, Associate Counsel to the President in the Reagan
4 Administration from 1986 to 1988; General Counsel to Office of Management and
Budget from 1988 to 1989 in the Reagan and George H.W. Bush Administrations;
5 General Counsel to U.S. Department of Agriculture from 1989 to 1993 in the
George H.W. Bush Administration; Vice Chairman of the Privacy and Civil
Liberties Oversight Board from 2006 to 2008 in the George W. Bush
6 Administration.
- 7 • Paul Rosenzweig, Deputy Assistant Secretary for Policy, Department of Homeland
8 Security in the George W. Bush Administration from 2005 to 2009.
- 9 • Nicholas Rostow, Special Assistant to the President for National Security Affairs
10 and Legal Adviser to the National Security Council under Reagan and George
H.W. Bush Administrations from 1987 to 1993; Special Assistant to the Legal
Adviser, U.S. Department of State from 1985 to 1987; Senior Research Scholar at
Yale Law School.
- 11 • Robert Shanks, Deputy Assistant Attorney General, Office of Legal Counsel in the
12 Reagan Administration from 1981 to 1984.
- 13 • Fern Smith, Judge of the U.S. District Court for the Northern District of California
14 appointed by President Reagan from 1988 to 2005.
- 15 • Peter Smith, Representative-at-Large of Vermont from 1989 to 1991 (R).
- 16 • William Joseph Walsh, Representative of the 8th Congressional District of Illinois
from 2011 to 2013 (R).
- 17 • Christine Todd Whitman, Governor of New Jersey from 1994 to 2001 (R);
18 Administrator of the Environmental Protection Agency in the George W. Bush
Administration, 2001-2003.

19 “District courts frequently welcome amicus briefs from non-parties concerning legal
20 issues that have potential ramifications beyond the parties directly involved” *NGV Gaming,*
21 *Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005); *see also*
22 *Centro Legal de la Raza v. Exec. Off. for Immigr. Rev.*, 524 F. Supp. 3d 919, 949 (N.D. Cal.
23 2021) (noting that the court received and granted five motions for leave to file amicus briefs in
24 support of the plaintiffs’ motion for a preliminary injunction). Here, amici’s participation will
25 assist the Court’s adjudication of the motion for a temporary restraining order by providing a
26 broader perspective on the role of the Constitutional scheme of checks and balances, and the rule
27 of law. The parties consent to the filing of the proposed amicus brief. Kwun Decl. ¶¶ 2–3.

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1 For the foregoing reasons, amici respectfully request leave to file the accompanying brief.
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3 Dated: May 8, 2025

KWUN BHANSALI LAZARUS LLP

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Declaration of Michael S. Kwun

I, Michael S. Kwun, declare as follows:

1. I am counsel of record for Donald B. Ayer, Ty Cobb, Barbara Comstock, Mickey Edwards, Philip Lacovara, Michael Luttig, Carter Phillips, Trevor Potter, Alan Charles Raul, Paul Rosenzweig, Nicholas Rostow, Robert Shanks, Fern Smith, Peter Smith, William Joseph Walsh, and Christine Todd Whitman, who in the foregoing administrative motion request leave to file a brief amici curiae. I make this declaration based on my own personal knowledge. If called as a witness, I could and would testify competently to the matters set forth herein.

2. I emailed counsel for the plaintiffs and counsel for the defendants requesting the consent of the parties to the filing of the brief amici curiae. In my emails to counsel, I explained that the brief would be in support of the plaintiffs' motion for a temporary restraining order.

3. By return email, counsel for the plaintiffs and counsel for the defendants each informed me that their respective clients consent to the filing of the brief amici curiae.

4. The brief that amici seek leave to file is attached hereto.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on May 8, 2025, at San Francisco, California.

/s/ Michael S. Kwun
Michael S. Kwun